

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DUDLEY HARRIS,

Plaintiff,

vs

9:08-CV-271

FISCHER, et al

Defendants.

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APPEARANCES:

DUDLEY HARRIS  
Plaintiff, Pro Se  
99-b-1293  
Franklin Correctional Facility  
PO Box 10  
Malone, NY 12953

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

DOUGLAS J. GOGLIA, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

The above action was transferred in from the Western District of New York in March 2008. A Stipulation of Dismissal was filed in this district on April 12, 2010. Plaintiff, Dudley Harris, has now requested that that contract be rescinded and the matter be placed on the active trial calendar due to defendants' failure to pay the agreed upon amount to settle the matter. Defendants responded. By Report-Recommendation dated September 2, 2010, the

Honorable Randolph F. Treece, United States Magistrate Judge, recommended that plaintiff's letter motion (Docket No. 81) be denied. The plaintiff has not objected to the Report-Recommendation.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

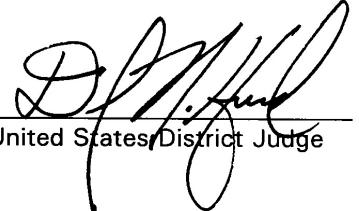
Accordingly, it is

ORDERED that

1. Plaintiff's letter motion (Docket No. 81) is DENIED.
2. The file will not be reopened.

IT IS SO ORDERED.

Dated: September 27, 2010  
Utica, New York.

  
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United States District Judge